

STAFF REPORT TO COUNCIL

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DATE: November 26, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Director of Planning and Development

SUBJECT: Land Use Contract Discharge Application No. LU000047 (Bylaw No. 9213)

APPLICANT: Herbert J. Millar for Jack & Jill Laundry & Dry Cleaners Ltd., Inc. No. BC0499912

LOCATION: 2000 Victoria Street and 1495 20th Avenue

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9213
Land Use Contract No. G1342

RECOMMENDATION(S):

That Council GIVES FIRST AND SECOND READINGS to "City of Prince George Land Use Contract Discharge Bylaw No. 9213, 2021" to discharge Land Use Contract No. G1342, as shown on Appendix "A" to Bylaw No. 9213, 2021 from the following legal titles:

- Lot A, District Lot 932, Cariboo District, Plan 20192;
- Lot 37, Block 1, District Lot 932, Cariboo District, Plan 796; and
- Lot 38, Block 1, District Lot 932, Cariboo District, Plan 796.

PURPOSE:

The applicant has applied to discharge Land Use Contract (Land Title Document No. G1342) from 2000 Victoria Street and 1495 20th Avenue (subject properties) as shown on Appendix "A" to Bylaw No. 9213. Currently, the Land Use Contract restricts the land use to automobile dealership and includes development and infrastructure regulations. The applicant has applied to discharge the Land Use Contract, thereby allowing the subject area to be regulated under the City of Prince George Zoning Bylaw No. 7850, 2007. Should the Land Use Contract be discharged, the intent is to have Big O Tires locate within a space of the existing building.

Background

Site Characteristics

Location	2000 Victoria Street and 1495 20 th Avenue
Legal Description	<ul style="list-style-type: none"> • Lot A, District Lot 932, Cariboo District, Plan 20192 • Lot 37, Block 1, District Lot 932, Cariboo District, Plan 796

	<ul style="list-style-type: none"> Lot 38, Block 1, District Lot 932, Cariboo District, Plan 796
Current Use	vehicle sale and vehicle repair
Site Area	<ul style="list-style-type: none"> 1.0 ha (Lot A) 333.2 m² (Lot 37) 333.2 m² (Lot 38)
Future Land Use	Neighbourhood Centre Corridor and Neighbourhood Centre Residential
Growth Management Class	Growth Priority
Servicing	City Services available

Zoning (see Appendix "A" to Bylaw No. 9213)

Current Zoning	C6: Highway Commercial
Land Use Contract (G1342)	Automobile Dealership

Surrounding Land Use Table

North	20 th Avenue, multiple residential use (Riverbend Manor) and Ron Brent Elementary School
South	Porter Avenue and Residential
East	Quince Street and Residential
West	Victoria Street and Commercial uses (McDonalds Restaurant, Carrier Sekani Family Services)

POLICY / REGULATORY ANALYSIS:

Land Use Contracts

Land use contracts were created in BC throughout the 1970's as a form of site specific land use regulation between local governments and landowners. The terms and conditions of Land Use Contracts may impact the land uses permitted. The presence of a Land Use Contract on a property title requires that any regulations within the contract take precedent over local government land use regulations on that land.

Pursuant to Section 546 of the *Local Government Act*, a Land Use Contract that is registered in a land title office may be amendment, modified, varied or discharged with the agreement of the local government, and the other of any parcel that is described in the bylaw as being covered by the amendment. As per Section 547 of the *Local Government Act*, all Land Use Contracts will be terminated as of June 30, 2024, unless discharged prior to June 30, 2022.

Land Use Contract Land Title Document No. G1342

City Council adopted the Land Use Contract (G1342) on September 27, 1971 to restrict the land use to automobile dealership with additional development regulations pertaining to, but not limited to off street parking, infrastructure and future subdivision as described within the Land Use Contract. The subject properties were the former location of the Chevrolet Oldsmobile dealership, and are currently being used for vehicle trailer sales, and storage.

The applicant has applied to discharge the Land Use Contract to allow the subject area to be regulated under the City of Prince George Zoning Bylaw No. 7850, 2007.

Official Community Plan

Future Land Use

The subject property is designated as Neighborhood Centre Corridor and Neighbourhood Centre Residential in Schedule B-6: Future Land Use of the Official Community Plan. The Neighbourhood Centre Corridor and Neighbourhood Centre Residential Designations are intended to be unique focal points throughout the city, with neighbourhood centres providing local shops, services and similar amenities with the adjacent residential area are anticipated to infill and densify. The corridor designation encourages mixed use developments, incorporating retail and service commercial (Policy 8.3.34). These designations have a full range of retail and service commercial uses including grocery or anchor stores and a diversified mixture of basic and specialty retail stores (Policy 8.3.35).

The subject property currently has an existing commercial building fronting 20th avenue with several truck bays along Victoria Street. The OCP designations align with the intent of the Land Use Contract. As there is OCP policy and objectives that would guide future redevelopment on site, Administration supports this application.

Growth Management

The subject property is designated as Growth Priority in Schedule B-4: Growth Management of the Official Community Plan. This designation has intent to encourage growth within Infill and Growth Priority areas (Policy 8.1.1) and encouraging growth within Growth priority areas over growth elsewhere (Policy 8.1.2).

Administration supports the removal of the Land Use Contract on the subject property, as the future use of the subject area would be in keeping with OCP growth management policy direction.

Commercial Form and Character Development Permit

All commercially zoned properties are designated as a Commercial Development Permit Area as indicated on Schedule B-6: Future Land Use within the OCP. Any façade improvements over 20% or new development on the subject property would trigger a Commercial Form and Character Development Permit, at which time building form, parking and landscaping requirements of the Zoning Bylaw would be reviewed.

Zoning Bylaw

The subject properties are zoned as C6: Highway Commercial, which has an intent to provide for uses appropriate for some highway locations.

Should Council support removing this Land Use Contract, the properties would be zoned as C6: Highway Commercial. This zone allows for a variety of uses including retail, service commercial, service station, vehicle repair/wash/ sale, veterinary service and restaurant.

The C6 zone is compatible with providing services and amenities to surrounding residential uses. Furthermore, the property is surrounded by commercial uses to the west and northwest (C6: Highway Commercial, C3: Neighbourhood Commercial and C7: Transitional Commercial), and is consistent with the existing commercial node at 20th and Victoria Street intersection.

OTHER CONSIDERATIONS:

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9213 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

Notification to Adjacent Property Owners

As per the requirements set out in the *Local Government Act*, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by this land use application.

Council Procedures during COVID-19 Pandemic

As per the requirements set out in the Local Government Act and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by this application. Members of the public may provide comment by written submission. Written submissions received in response to the public notice for this application will be provided to Council for their consideration prior to third reading of the proposed bylaw.

ALTERNATIVES:

1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9213, 2021 be approved

SUMMARY AND CONCLUSION:

The applicant has applied to discharge the Land Use Contract from the subject properties in order to allow the land to be regulated as per the City’s Zoning Bylaw. Administration recommends that Council approve the proposed Land Use Contract discharge for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Melissa Nitz, Planner

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2021/12/20